

EXHIBIT 4

TO

“Registration of Judgment
of the United States District Court
for the Eastern District of Virginia
for Enforcement”

3. The judgment provides for recovery of post-judgment interest at the federal post-judgment rate of 4.99 percent. Consequently, that post-judgment interest accrues at the rate of \$1,690.44 per day. From the date of judgment on July 25, 2007, through today, the total amount of accrued post-judgment interest is thus \$145,377.84.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This 19th day of October, 2007.

s/ John T. Daniel
State Bar No. 10848
Counsel for Plaintiffs
Essex Richards, P.A.
1701 South Boulevard
Charlotte, NC 28203-4727
Telephone: 704-377-4300
Fax: 704-372-1357
E-mail: jdaniel@essexrichards.com

EXHIBIT 1

to

“Declaration of John T. Daniel
Re Accrued Post-Judgment Interest”

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

Civil Action No. 2:04CV428

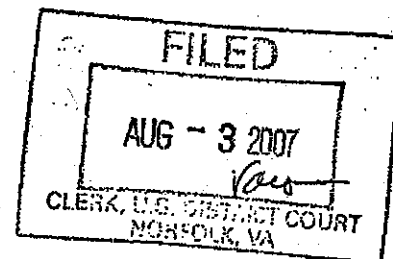
OLIVIA RUX, et. al.,

Plaintiffs,

v.

REPUBLIC OF SUDAN,

Defendant.



**PLAINTIFFS' VERIFIED MOTION TO TAX COSTS, BILL OF COSTS, AND
INCORPORATED MEMORANDUM OF LAW IN SUPPORT THEREOF**

Plaintiffs, by and through its undersigned counsel, and pursuant to Fed.R.Civ.P. Rule 54(d)(1), E.D.Va. Local Rule 54(D) and 28 U.S.C. §1920, hereby moves this Court to tax costs incurred by Plaintiffs and submit their Bill of Costs with incorporated memorandum of law in support thereof.

Introduction

On July 25, 2007, the Court issued its default judgment in favor the Plaintiffs. Plaintiffs' taxable costs, and incorporated memorandum of law in support thereof, are set forth herein.

BILL OF COSTS

1. Depositions (See Schedule A)	\$ 9,318.81
2. Expert Witnesses (See Schedule B)	\$ 31,153.16
3. Demonstrative Aids (See Schedule C)	\$ 4,647.82
4. Court Reporter Fees/Transcripts (See Schedule D)	\$ 679.80

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5.	Translation expenses (See Schedule E)	\$ 10,697.00
6.	Xerox or other Machine reproduced copies (See Schedule F)	\$ 21,229.32
7.	Filing Fees (See Schedule G)	\$ 1,780.91
8.	Miscellaneous Costs (See Schedule H)	\$ 9,560.25
<u>TOTAL</u>		<u>\$ 89,067.07</u>

SCHEDULE A -Depositions

<u>Deponent</u>	<u>Date</u>	<u>Company</u>	<u>Charge</u>
Douglas Farah (videotape)	02/05/07	4IT	\$ 332.50
Douglas Farah	02/27/07	Klein, Bury & Assoc.	\$ 183.34
Lorenzo Vidino (videotape)	02/28/07	TransPerfect Translations	\$ 365.66
Dr. Manuel Carvajal	03/09/07	Klein, Bury & Assoc.	\$ 403.20
Dr. Manuel Carvajal (videotape)	03/13/07	Klein, Bury & Assoc.	\$ 415.00
Dr. Manuel Carvajal	03/13/07	Klein, Bury & Assoc.	\$ 237.40
Steven Emerson (videotape)	06/28/07	TransPerfect Translations	\$ 308.40
Jesse Nieto (videotape)	03/09/07	TransPerfect Translations	\$ 244.76
R. James Woolsey (videotape)	10/04/05	Esquire	\$ 599.50
R. James Woolsey	10/04/05	Esquire	\$ 407.45
Multiple Plaintiff families	07/23/05	Adams-Harris Court Reporter	\$ 824.77
Multiple Plaintiff families	07/23/05	Adams-Harris Court Reporter	\$ 3,145.86
Santiago Plaintiffs	01/26/07	Clanton	\$ 366.62
Swenchoris Plaintiffs	12/28/06	Clanton	\$ 415.10
Costelow, Gauna Plaintiffs	01/12/07	Corona	\$ 449.25
Kenyon Embry	04/06/07	Legal Link	\$ 370.00
Triplett Plaintiffs	01/30/07	Mississippi Court Reporters	\$ 250.00
<u>TOTAL</u>			<u>\$ 9,318.81</u>

The costs of depositions transcripts are properly taxable against the unsuccessful litigant. 28 U.S.C. §1920(2) ("Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case"). They are normally deemed to be necessarily obtained for use in the case, unless the opposing party makes a specific objection that the deposition was improperly taken or unduly prolonged. *LaVay Corp. v. Dominion Federal Sav. & Loan Ass'n*, 830 F.2d 522, 528 (4th Cir. 1987); *Board of Directors, Water's Edge v. Anden Group*, 135 F.R.D. 129 (E.D.Va. 1991); *Federal Savings & Loan Ins. Corp. v. Szarabajka*, 330 F.Supp. 1202, 1210 (N.D.Ill. 1971); *Koppinger v. Cullen-Schiltz and Associates*, 513 F.2d 901, 911 (8th Cir. 1975); *Hollenbeck v. Falstaff Brewing Corp.*, 605 F.Supp. 421, 439 (E.D.Mo. 1984). The costs of videotape depositions are also recoverable, as they are "implicitly permit[ted]" under §1920(2). *Cherry v. Champion Intern. Corp.*, 186 F.3d 442, 448 (4th Cir. 1999). See also *Tilton v. Cities/ABC, Inc.*, 115 F.3d 1471, 1477 (10th Cir. 1997). When a deposition is noticed that is to

be recorded both by stenographic and non-stenographic means, and no objection is raised to the method of recordation, it is appropriate to award the costs of the deposition in the manner noticed. *Morrison v. Reichhold Chemicals, Inc.*, 97 F.3d 460, 464-465 (11th Cir. 1996).

All of the depositions set forth above are of either the several Plaintiffs or the Plaintiffs' expert witnesses in this case. They were essential for preparation for trial and served a useful purpose. All of the Plaintiffs' depositions were entered into evidence without objection, and many of the Plaintiffs testified solely through their depositions. All of the expert witnesses except for Lorenzo Vidino, who testified live as well as by deposition, testified at trial via their depositions, and each deposition was essential in preparing the Plaintiffs' case for trial. Accordingly, the depositions listed above were all necessarily obtained for use in the case and are properly taxable costs.

SCHEDULE B -Expert Witnesses

Dr. Manuel J. Carvajal, Ph.D.

<u>Service</u>	<u>Date</u>	<u>Time</u>	<u>\$175 /hr Fee</u>
Retainer	08/10/05		\$ 10,000.00
Conference	1/26/07	3.0	\$ 525.00
Research	1/31/07	1.5	\$ 262.50
Research	2/03/07	1.5	\$ 262.50
Research	2/05/07	2.0	\$ 350.00
Research	2/06/07	2.0	\$ 350.00
Research	2/09/07	1.0	\$ 175.00
Research	2/10/07	3.5	\$ 612.50
Research	2/11/07	3.0	\$ 525.00
Research	2/12/07	6.5	\$ 1,137.50
Research	2/14/07	4.0	\$ 700.00
Research	2/15/07	1.5	\$ 262.50
Research	2/16/07	3.5	\$ 612.50
Research	2/17/07	4.5	\$ 787.50
Research	2/20/07	2.5	\$ 437.50
Research	2/21/07	1.5	\$ 262.50
Research	2/23/07	3.0	\$ 525.00
Research	2/26/07	2.0	\$ 350.00
Research	2/27/07	1.0	\$ 175.00
Research	3/01/07	4.0	\$ 700.00
Research	3/02/07	2.5	\$ 437.50
Research	3/03/07	6.0	\$ 1,050.00
Research	3/05/07	8.5	\$ 1,487.50
Deposition	3/06/07		\$ 2,000.00
<u>TOTAL</u>			<u>\$ 23,987.50</u>

Douglas Farah, IBI Consultants

<u>Service</u>	<u>Date</u>	<u>Time</u>	<u>Fee</u>
Testify by Deposition	02/05/07		\$ 2,325.66
Professional fee – appear at Woolsey deposition	09/23/05		\$ 840.00
<u>TOTAL</u>			<u>\$ 3,165.66</u>

Lorenzo Vidino

<u>Service</u>	<u>Date</u>	<u>Time</u>	<u>Fee</u>
Retainer			\$4,000.00
Testify by Deposition	2/07/07		
Testify at Trial	3/13/07		
<u>TOTAL</u>			<u>\$ 4,000.00</u>

TOTAL FOR EXPERTS

\$ 31,153.16

The fees and expenses of experts are recoverable as costs under 28 U.S.C. §1920 in the Court's discretion. *Wuori v. Concannon*, 551 F.Supp. 185, 201 (D.Me. 1982). Expert witness fees are recoverable where the expert's testimony is crucial to the resolution of the issues of the case. *Wilmington v. J.I. Case Co.*, 793 F.2d 909, 924 (8th Cir. 1986). Expert witness fees are "incurred in obtaining discovery...and are normally charged to a client. Accordingly, plaintiffs are awarded such costs." *Meacham v. Knolls Atomic Power Laboratory*, 185 F.Supp.2d 193, 244 (N.D.N.Y. 2002), *affirmed* 381 F.3d 56, *vacated on other grounds* 544 U.S. 957, 125 S.Ct. 1731, 161 L.Ed.2d 596.

Expert witness costs should be taxed and awarded to the Plaintiffs in this case in light of Sudan's staunch refusal to participate in discovery. Sudan's refusal to provide discovery, and refusal to respond to Plaintiffs' Requests for Admissions, forced the Plaintiffs to prove their case through the use of these expert witnesses and incur expenses that may not otherwise have been necessary. The above-referenced fees are related to each expert's trial preparation and trial testimony. The fees of each expert were critical to the Plaintiffs' ability to establish the causal link between Sudan's provision of material support and resources to Al Qaeda and the subsequent terrorist attack on the U.S.S. Cole that caused the deaths of the seventeen sailors forming the basis for this case, especially when considering the uncooperative Defendant. The expert witness fees expended were necessary for the preparation of the Plaintiffs' successful case, and their testimony was crucial in the resolution of the primary issues of this case. Therefore, Plaintiffs' costs in retaining their expert witnesses should be awarded.

SCHEDULE C -Demonstrative Aids

Description	Vendor	Charge
Video Presentation	Tayloe & Associates	\$ 3,605.00
A&E Videos	A&E Home Video Tapes	\$ 182.17
A&E Videos	A&E Home Video Tapes	\$ 24.95
A&E Videos	A&E Home Video Tapes	\$ 29.95
Book: <i>Imperial Hubris</i>		\$ 26.80
"Inside Sudan: Political Islam, Conflict and Catastrophe"		\$ 16.20
9/11 Commission Hearings	National Archives Trust Fund	\$ 16.00
U.S. v. <i>Osama bin Laden</i> Transcript	7 th Dist. Ct. of New York	\$ 214.50
Book: <i>Blood from Stones</i>	Douglas Farah	\$ 125.00
C-Span Interviews	C-SPAN	\$ 36.95
Trial Exhibits	Legal Impressions	\$370.30
TOTAL		\$ 4,647.82

The costs of demonstrative evidence is taxable where, as here, the demonstrative evidence was necessarily obtained for use in the case. 28 U.S.C. §1920(4). Costs associated with video exhibits are taxable as costs if they are necessarily obtained for use in the case. *Board of Directors, Water's Edge v. Anden Group*, 135 F.R.D. at 137-138. Each of the items listed above were used as evidence or exhibits at trial, without Sudan's objection, and were necessarily obtained for use in the case. Therefore, these costs associated with demonstrative aids are taxable costs and recoverable by the Plaintiffs.

SCHEDULE D -Court Reporter Fees/Transcripts

<u>Event</u>	<u>Service</u>	<u>Date</u>	<u>Pages</u>	<u>Charge</u>
Bench Trial	Transcript (all - two days)	3/13-14/07	206	\$ 679.80
<u>TOTAL</u>				<u>\$ 679.80</u>

These costs are recoverable pursuant to 28 U.S.C. § 1920(2). The taxable costs are the costs of obtaining the full transcript of the bench trial proceedings which were necessarily obtained for use in the case.

SCHEDULE E --Translation Expenses

<u>Vendor</u>	<u>Date</u>	<u>Fee</u>
Interlingua	06/14/04	\$ 1,885.00
Interlingua	08/02/04	\$ 400.00
Interlingua	09/17/04	\$ 2,000.00
Interlingua	10/04/04	\$ 450.00
Interlingua	12/22/04	\$ 340.00
Interlingua	06/15/05	\$ 635.00
Interlingua	07/2007	\$ 4,987.00 ¹
<u>TOTAL</u>		<u>\$ 10,697.00</u>

These costs are recoverable pursuant to 28 U.S.C. § 1920(6). The taxable costs are the translation expenses for any documents required by law, rule or order of this Court to be translated for diplomatic service upon Defendant Republic of Sudan. The relevant determination in deciding to allow interpreter's costs is whether the items being translated were reasonably necessary for a proper determination of the issues. *Kaiser Industries Corp. v. McLouth Steel Corp.*, 50 F.R.D. 5, 11 (E.D.Mich. 1970). The interpreter's costs listed above were all necessary for the proper determination of the issues. The costs reflected above were required of the Plaintiffs to properly bring this case forward, to properly serve Sudan with this lawsuit, and to conform to the Orders of this Court. Therefore, all of these interpreter's costs are allowable costs.

¹ This cost is the estimate provided for translation of the Court's Opinion and Order, as well as the Judgment Order, as directed by the Court. See Opinion and Order at page 51.

SCHEDULE F -- Xerox or Other Machine Reproduced Copies

Event	Service	Date	Charge
Preparation for Trial	Ikon Office Solutions Re: Trial Exhibits	03/12/07	\$ 5,800.33
Preparation for Trial	Legal Impressions Re: Trial Exhibits	03/12/07	\$ 370.30
Fourth Circuit Brief	Counsel Press	03/23/07	\$ 1,080.60
Case preparation	In house photocopying ²	06/17/02- 06/18/07	\$ 12,766.00
Case preparation	In house facsimile ³	12/20/02- 05/07/07	\$1,000.50
Case preparation	Mail postage	05/10/04- 05/21/07	\$ 170.59
Document certification	United States Dept. of State	11/03/05	\$ 14.00
Certified Copies	Clerk of Court	06/17/05	\$ 27.00
TOTAL			\$ 21,229.32

These costs are recoverable pursuant to 28 U.S.C. § 1920(4) ("Fees for exemplification and copies of papers necessarily obtained for use in the case"). The taxable costs are the expenses for copies of papers including trial exhibits and other documents necessarily obtained and used in this case. Copies may be necessarily obtained for use in the case without actually being used at trial, if the prevailing party reasonably believed that it was necessary to copy the papers at issue. *U.S. E.E.O.C. v. W&O, Inc.*, 213 F.3d 600, 623 (11th Cir. 2000). See also *U.S. for Use and Benefit of Evergreen Pipeline Const. Co., Inc. v. Merritt Meridian Const. Corp.*, 95 F.3d 153, 173 (2d Cir. 1996); *M.T. Bonk Co. v. Milton Bradley Co.*, 945 F.2d 1404, 1410 (7th Cir. 1991); *Haagen-Dazs Co., Inc. v. Double Rainbow Gourmet Ice Creams, Inc.* 920 F.2d 587, 588 (9th Cir. 1990). In house photocopying is a permitted cost, so long as the rate is reasonable as compared to a commercial rate. *Manley v. City of Chicago*, 236 F.3d 392, 398-399 (7th Cir. 2001); *Kuzma v. IRS*, 821 F.2d 930, 933 (2d Cir. 1987). All of the photocopying costs listed above were incurred in researching and preparing the Plaintiffs' case for trial, preparing trial

² In house photocopying at a rate of \$0.25 per page.

³ In house facsimile at a rate of \$0.25 per page.

exhibits and other documents for use at trial, reproducing documents for review by all co-counsel, and other necessary uses.

Facsimile charges are taxable costs so long as the rate is reasonable and the facsimiles are shown to be reasonably necessary. *Jackson v. Austin*, 267 F.Supp.2d 1059, 1070 (D.Kan. 2003). The facsimile charges listed above were reasonably necessary to transmit documents for review among co-counsel located in Miami, Florida, Rockport, Texas, Houston, Texas and Norfolk, Virginia.

Mail postage is a reasonable cost of litigation and is recoverable. *Kuzma*, 821 F.2d at 933. Costs incurred for obtaining certified copies of documents are allowable as costs when reasonably necessary for use in the case. *Banks v. Chicago Mill & Lumber Co.*, 106 F.Supp. 234, 236 (E.D.Ark. 1950).

SCHEDULE G - Filing Fees

<u>Event</u>	<u>Service</u>	<u>Date</u>	<u>Charge</u>
Filing Fee – Complaint	Clerk of Court	07/16/04	\$ 150.00
Filing Fee – Admission <i>Pro hac vice</i>	Clerk of Court	07/16/04	\$ 150.00
Service of Amendment	Clerk of District Court	08/05/04	\$ 5.11
Service of Amendment	Clerk of District Court	10/05/04	\$ 5.80
Diplomatic Service	U.S. Embassy – Khartoum	12/02/04	\$ 650.00
Diplomatic Service	U.S. Embassy – Khartoum	12/02/05	\$ 650.00
Filing Fee	Clerk, 4 th Cir. Ct. of App.	10/10/05	\$ 170.00
<u>TOTAL</u>			<u>\$ 1,780.91</u>

These costs are recoverable pursuant to 28 U.S.C. § 1920(1). The taxable costs are the filing fees and service of process fees necessarily incurred by the Plaintiffs in this case. The filing fee for the admissions *pro hac vice* of co-counsel in this case, Andrew Hall, Nelson Jones, III, and James Cooper-Hill, are allowable because they were necessarily incurred. *Burton v. R.J. Reynolds Tobacco Co.*, 395 F.Supp.2d 1065, 1077 (D.Kan. 2005).

SCHEDULE H –Miscellaneous Costs

<u>Service</u>	<u>Date</u>	<u>Charge</u>
Parking	08/09/05	\$ 3.00
Parking	02/08/07	\$ 30.00
Parking	03/14/07	\$ 30.00
Long Distance Telephone Calls	04/06/02- 08/30/05	\$ 1,128.58
Courier Services – Federal Express ⁴	04/26/05- 06/28/07	\$ 5,189.35
Westlaw Legal Research	05/31/05- 03/03/07	\$ 3,179.32
<u>TOTAL</u>		<u>\$ 9,560.25</u>

Costs incurred for parking are a reasonable cost of litigation and are recoverable. *Kuzma*, 821 F.2d at 933. *See also Meacham*, 185 F.Supp.2d at 244. Long distance telephone charges have been awarded to the successful litigant as well. *See Jackson v. Austin*, 267 F.Supp.2d at 1069-1070; *Arthur S. Langenderfer, Inc. v. S.E. Johnson Co.*, 684 F.Supp. 953, 960 (N.D. Ohio 1988). Online legal research costs have been awarded because it “typically saves a significant amount of manual research time.” *Jackson v. Austin*, 267 F.Supp.2d at 1070. Each of the expenses listed above were incurred out of necessity in the litigation of this case, and are therefore taxable costs recoverable by the Plaintiffs.

⁴ See itemization, attached.

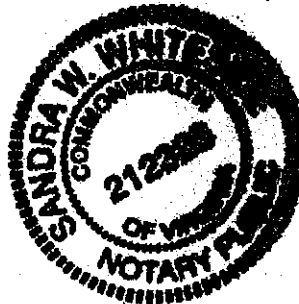
VERIFICATION

The undersigned is an attorney for the Plaintiffs in the matter and does hereby swear and affirm that I have fully reviewed the records and supporting data of this law firm as well as the records provided by all co-counsel and invoices provided by third parties and the costs set forth in this motion are true and correct to the best of my knowledge.

Mary Jane Hall
MARY JANE HALL

SWORN TO AND SUBSCRIBED before me this 31st day of August 2007, by Mary Jane Hall, who is personally known to me or has produced _____ as identification and did take an oath.

NOTARY PUBLIC, Sandra W. Whiteside
Print Name: SANDRA W. WHITESIDE
April 30, 2010
My Commission Expires:



A TRUE COPY, TESTE:
CLERK, U.S. DISTRICT COURT

BY Robert A. Ward
DEPUTY CLERK